

HISTORIC PRESERVATION COMMISSION

Minutes

July 9, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, July 9th in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Chairperson, Anne Lyles. She read the purpose and procedure for the meeting.

In addition to Anne Lyles, the following members were present and introduced: Jack Errante, Susan Hurt, Judy Kandl Emily Perry.

Absent: Deborah Johnson, Andrew Pitner, Kathy Walters, and Anne Waters.

Requests for Certificates of Appropriateness

H-28-09 217 S. Main St. – City of Salisbury, owner

Lynn Raker, applicant / agent

Request: Installation of granite planter on sidewalk in front of City Hall to mount “Salisbury Sister Cities” History and Art Trail bronze marker. Planter will be 8’ (parallel to curb) x 6’-10” (perpendicular to curb) x 12” (height). A flagpole will be installed on either side just outside planter walls as shown in drawing.

Lynn Raker, applicant; along with Janet Gapen, staff liaison, were sworn in to give testimony for the request.

Lynn Raker reminded the Commission that the plan was presented and approved at the June meeting and there have been no changes to the plan.

Janet Gapen explained that the request did come before the Commission last month and was deliberated and approved but has come before the Commission again because some information was erroneously omitted from the notification to adjoining property owners. She said the proper notifications were mailed for the July meeting in order that adjoining property owners would have the opportunity for public comment, should anyone so desire.

(At this point in the meeting the projector was not working properly in order to show a visual slide presentation of the proposal. Janet Gapen apologized for the technical failure and asked Lynn Raker to proceed with information regarding a basic description of the project.)

Lynn Raker requested the Commission members to look at the plans submitted as she proceeded with the description.

In response to a question Jack Errante, Lynn Raker again testified that the height of the proposed flag poles would be 20-30 ft. She said they are working with a flag pole supplier to determine what the appropriate height would be; if necessary she could go back once the exact measurement is known.

She testified that the planter will be 8' parallel to the curb x 6'-10" perpendicular to the curb x 12" in height, and will sit back on the sidewalk enough for the allowance of a car door to swing open. The planter is constructed of 6" thick granite. A flag pole would be located on each side of the planter which will be positioned in granite with a green ground cover around it. The plaque will be supported within the granite planter by a granite riser that would have the Salisbury Sister Cities plaque attached to it. She stated that it is the same plaque that is currently located in the sidewalk that will be moved up for protection and for a more prominent location.

Judy Kandl asked if the infill around the pole would be matching concrete that would simply become a part of the sidewalk again; to which Lynn Raker verified was correct. She said there would be no elaborate changes to the sidewalk due to potential renovation of the streetscape. She also confirmed Judy Kandl's assumption that the base of the flag pole would be fairly simple once the size is determined.

Lynn Raker informed the Commission that they have looked into placing the flag poles on the side of the building and projecting at an angle if the construction of the building would allow that. She said she would come back for approval if it is determined that the poles will be located on the building.

Public Hearing

There was no one present to speak in support of the request.

Clyde Overcash was sworn to speak in opposition. He stated 3 reasons that, in his opinion, the planter is inappropriate for the proposed location: (1) historically (2) esthetically, and (3) functionally.

(The slide visuals appeared at this point.)

Deliberation

Anne Lyles gave an opportunity for the 2 commission members who were absent from the June meeting when the project was deliberated and approved to ask questions; if they did not, then she would call for a motion.

In response to a question from Susan Hurt, Lynn Raker testified that there would be at least 8 ft. of clearance for pedestrians from the back of the new planter to the doors of the City Hall. She further stated that the Americans with Disabilities Act (ADA) require 4 feet of clearance.

In response to Jack Errante's concern that the planter may not allow enough clearance for cars parked in front of City Hall to open their passenger side doors, Ms. Raker said, "there is ample space on either side of the planter to walk." She said where car doors would open would be to either side of the planter.

Motion

Upon a call for the motion from the Chair, Susan Hurt made the motion as follows: "I move that the Commission find the following facts concerning Application #H-28-09 – that Lynn Raker, applicant for the City of Salisbury, owner of 217 S. Main St., appeared before the Commission and sought a Certificate of Appropriateness to install a granite pedestal on the sidewalk in front of City Hall to mount the "Salisbury Sister Cities, History & Art Trail bronze marker and to install flagpoles on either side just outside the planter walls – that Clyde Overcash appeared before the Commission in opposition to the request, that this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features and District Setting – Landscaping & Streetscape, pages 59-60, guidelines 1-12 of the Non-Residential Historic District Design Guidelines; mitigating factors – none; therefore, I further move that a Certificate of Appropriateness for Application #H-28-09 be granted to Lynn Raker, applicant for the City of Salisbury, owner of 217 S. Main Street, to make the changes agreed to by the applicant with the following agreement by the applicant – that the range for the height be approved at 20-30 ft., and if the flag pole is to be mounted on the building, the applicant will come back for approval."

Jack Errante seconded the motion; all members present voted AYE.

H-22-08 135 E. Fisher St. – Piedmont Players Theater, Inc., owner
E. William Wagoner, applicant / agent

Request: Revised plans for Fisher Street Theater.

Bill Wagoner, agent for Piedmont Players Theater, Inc., and Perry Peterson, architect, were sworn in to give testimony for the request.

Staff presented slides.

Bill Wagoner reminded the Commission that the introduction of the project had been done at 2 other meetings, with approval of the submissions; however, there are several changes that will necessitate additional approval.

Mr. Wagoner began by noting the following category of changes to be discussed:

Front façade

- Retain and modify existing front façade (retain original corner pilaster) to include a stepped parapet lower in height than originally approved; existing brick and fill brick to be painted. Renovated to the appearance as shown on the plan.
- Change window material to fiberglass clad exterior on a wood frame. Appearance will be the same as far as the scale, size, and design; a material change only. The quantity of windows has changed.

Rear façade

- Mechanical equipment, planting areas and sidewalk changes to include chain link fencing.

Metal siding (new roof)

- Change of manufacturer for the standing seam metal roof and metal skin on elevated portion of the building that is on 2/3 of the rear of the property.

Mr. Peterson testified that the structure on the front façade would look more like the original building. He said all the brick would be painted in the same color. He presented the proposed colors for the building and trim colors which are varying shades of beige.

In reference to the windows on the front façade, Bill Wagoner testified that they would not be aluminum clad windows as originally approved; instead the window material would be changed to fiberglass. He said the window appearance would be exactly the same - no heights have changed, no horizontal dimensions have changed.

In response to questions from Jack Errante, the following responses from given by Mr. Peterson

- The life of the fiberglass windows is longer than the aluminum clad which is a 20-year material.
- The Fisher St. side will remain as it is currently is. The windows have always been there and they will remain.

However; he continued, there are some original windows on both sides that would be filled in for the location of the new internal stair towers – one against the Lee St. wall, and an elevator and stair against the Santos wall. He pointed to an exit door at the bottom of the stair that would be used as a fire egress.

- Chain link fencing will be used to keep kids out of the area, landscape materials and bricks will be used to cover the mechanical equipment entirely out of view, and an attractive way to screen.

Mr. Wagoner testified that the existing sidewalk in the rear on the city's lot and the walk leading to Lee Street will be a basic standard concrete walk rather than a brick walk. He further stated in regard to run-off that the rest of the surface inside the property line except for the sidewalk and except for the pad that the mechanical unit sits on will be of a completely pervious material.

In response to a question from Judy Kandl, Mr. Peterson said the proposed illuminated sign is not ready for approval and will be treated as a separate issue.

In reference to a question from Janet Gapen, Mr. Peterson testified that 100% of the exterior brick surfaces of the building will be refinished and painted in the same color.

In response to a question from Susan Hurt, Mr. Peterson said they did not have an updated color rendering of what the building would look like, but testified that it is the same other than the color.

Janet Gapen informed the commission members, following a question from Judy Kandl, that the Commission's role is to only look at the elements that are changing from the original approved plan. She noted the summary of changes prepared by staff as an aid in addition to the related testimony being given by the representatives present.

Public Hearing

Clyde Overcash spoke in support of the project.

Abe Daniels, 117 E. Fisher St., was sworn in to express his concerns as to how the length of the project might affect his business if the street is closed off for a long period of time.

Janet Gapen stated that though Mr. Daniels' concerns were valid for an adjoining property owner, it was not a part of deliberation by the commission. Anne Lyles suggested that Mr. Daniels speak with the projects representatives to seek answers to his concern.

Judy Kandl explained to Mr. Daniels that the only involvement the commission would have with the length of the project is the life span of the Certificate of Appropriateness which is valid for 6 months after it is issued. Janet Gapen further stated that the certificate can be renewed for an additional 6 months if there are no changes, by staff, if the work does not begin within 6 months or if the work ceases after 6 months. There is no limit to the time frame for renewing the certificate.

Deliberation

Judy Kandl suggested that each category of the application be discussed prior to the actual deliberation in case there were questions pertaining to any of the changes. The chair agreed. Staff presented slides as the following categories were discussed:

Front elevation - Retain and modify existing front façade (retain original corner pilasters) to include a stepped parapet lower in height than originally approved. Existing brick and fill brick to be painted.

Susan Hurt stated that the changes are big steps to take.

Janet Gapen asked commission members to keep in mind that the original proposal was to demolish the existing façade. She reminded commission members that the building is non-contributing because a lot of the original fabric and appearance of the building is gone. Brick pilasters on the corner and sides were added mid-century and are generally intact. The change, she said, is based partly on the request not to demolish and rebuild, but to reuse and make changes to the original brick facade. She showed a slide of the original appearance of the structure to show that the parapet is lower and more consistent with the proposal.

She explained that it is not so much as trying to match what it is now but rather to determine if the change would be compatible. She also showed a slide of the new proposal to point out the change in the pattern of the windows.

Ms. Gapen again stated that determination needs to be made based on whether or not the pattern of windows, the parapet wall, and all of the changes would be a compatible proposal to what is left of the original building and to the district. She further stated that reuse of the façade would necessitate painting all of the brick and fill brick.

Windows

In response to a question from Judy Kandl, Mr. Peterson verified that her interpretation was correct in that the windows that are going to be replaced would not fill the entire opening and would be in-filled with brick in order to use stock size windows.

Judy Kandl stated that the guidelines speak in detail of aluminum-clad, vinyl and plastic siding is not being appropriate. She said they would need to discuss whether fiberglass would be an appropriate substitute since it is not on the list at all.

Lee Street elevation – In-fill 3 upper windows to accommodate the stairway.

Mr. Wagner pointed out the new stairway exit door on the Lee St. side. The wood dock door would be in-filled with brick.

Install 6 new windows, fiberglass as proposed for front with a small amount of in-fill in order to fit the window.

Judy Kandl noted that the chain link fence would be visible from the Lee St. elevation because it is the side where the mechanical unit is located.

Rear elevation – Mechanical screening changed from previous brick to chain link fencing; Slides were shown of the mechanical unit with the chain link fencing and vegetative screening.

The connector is only a manufacturer change.

Metal Siding – Siding will be metal panels; change only in the manufacturer as well as color.

Service ally: In-filling 6 windows to accommodate necessary items on the inside.
Paint all existing brick on both sections.

Paint all existing brick on both sections: Janet Gapen stated the proposal is to paint the entire façade all the way around. She noted that a good portion of the 1-story section on the alley side has been painted before, and the brick pilaster appears to have been painted before. She said it is just a matter of requesting to paint what has previously been painted which is consistent with the guidelines.

Comments relative to the Guidelines

Judy Kandl read the following guideline for landscaping from the non-residential guidelines – Streetscape #12: *Landscape elements such as fences, gates, and walls are appropriate in downtown to screen parking lots or service areas. They should be compatible with the existing structure and be made of appropriate materials such as masonry, wrought iron, and wood.*

She stated that she was unable to recall where in the guidelines it says that chain link fences are not appropriate; however, Janet Gapen informed the Commission that the guideline Judy Kandl was referring to is found in the residential guidelines, which she read.

Judy Kandl stated that chain link fencing has a very different appearance than wrought iron. She commented that wrought iron metal railings are currently located in the back of city hall which has an open look. She further stated that she would have a problem with chain link fencing on the side of a building that is actually part of a back entrance system rather than a true service yard, and is also on a side street. She said, “I would suggest that according to the guidelines it is inappropriate.”

Mr. Peterson informed the Commission that other than the first 4 ft. of fencing where the gate would be, the intent of the landscaping (which is higher than any fence would be) was that the fencing would not be seen. He stated that if there was going to be a problem with the chain link fence they could take the fence out and continue screening the mechanical equipment with landscaping.

In reference to windows, Judy Kandl said the guidelines specifically state in Chapter 2 – Changes to Buildings, Windows & Doors #4 the following: *It is not appropriate to replace windows or doors with stock items that do not fill the original openings or duplicate the unit in size, material, and design.* She said, “In-filling a hole just to put a stock size window is not compatible with the guidelines.”

In reference to the infill of now 6 windows rather than 3 as previously proposed, Mr. Peterson stated the use of the space where the first 3 on the right and then on the left are located did not necessitate a space for windows.

Judy Kandl read guideline #9 which reads: *“It is not appropriate to fill in existing window or door openings or to replace or cover them with plywood.”* She said in their first proposal approval was granted to in-fill some of the windows; however, to in-fill all of them is not appropriate according to the guidelines.

In reference to the painting the entire brick façade, Judy Kandl stated that the guidelines say that colors that best reflect the color of the masonry material should be chosen. She asked, “Was it a gray brick?”

Mr. Wagoner responded, “No, it was a shade of red.” He further stated that when the building was redone on Fisher St. they chose to go with white so it is his assumption that it was at that time that the decision was made to paint the rest of the building to match the front.

Deliberation

Susan Hurt commented that she was having a hard time picturing what a large painted brick building would look like. She said after her consideration of all the technical issues, her conclusion is that the color is not a brick color.

Anne Lyles says that she can see that the proposed color is pretty close to the white brick.

Mr. Wagoner referenced the 3-story Bell block building which fronts Fisher St. and Main St. that is painted entirely in a white-grayish color. In addition, Janet Gapen stated that there are others brick buildings downtown that are painted in a variety of colors. She further stated that unpainted brick is a medley of colors that gives it the texture that it has and it is difficult to emulate that by painting in a brick color. She said the effect would not be the same at all.

After informing the commission members that the paint color is an issue that could be more easily reversed, Janet Gapen named the following most important issues that should be considered in their deliberation:

- New window material as in the proposed fiberglass: durability, of the same quality of windows seen downtown whether it be rehabilitated or new; similar in appearance from the perspective of the viewer; what would have originally been installed in the opening; if painted; quality and the greatest longevity that could be expected of the material, appearance to the viewer.
- Does the pattern in the drawing of the front façade seem consistent with the kinds of rhythm and pattern seen in historic buildings; for example, she said, in historic buildings downtown a long expanse of brick is not normally seen, but rather more columns, bays, pilasters or a pattern of windows.

Judy Kandl stated that she did not have a problem with the 6/1 windows because that is what had been in the building before; however; a stock window being put in as an in-fill is inappropriate. She said the windows need to be appropriate with the guidelines by the size of the window whatever the material is. She did not agree with Anne Lyles who asked would it not be better for the windows on the both the front and sides to be the same in size. She said the issue of in-fill of the windows is more important than the windows being the same size all the way around. Ms. Kandl further stated that there are many buildings that have different size windows because of how the whole design of the building works.

Mr. Peterson explained that the roll-lock would be taken off and brick would be added to the opening. He said there would be no changes in the width, only in height so there would not be an obvious change at all.

Ms. Kandl also said, "Fiberglass is an issue." She said vinyl windows are pretty well documented but she has not seen enough literature to know if fiberglass windows would be sufficient. Janet Gapen said she has not seen anything to indicate that fiberglass windows are not recommended as a contemporary material as a substitute.

In reference to the brick color, Janet Gapen suggested to the Commission that since paint colors could be reviewed through minor works, that the colors be reviewed again at a later date during construction; either as a minor work or even by the full Commission if that is their preference.

In reference to the chain link fence issue, the consensus of the Commission was that the fencing was not appropriate. Janet Gapen suggested that the Commission look at the possibility of “to screen by landscaping” as a mitigating factor; however, Susan Hurt said she did not agree with the allowance of an inappropriate element and then screen it to cover it up.

Anne Lyles reminded Commission members that Mr. Peterson and Mr. Wagoner had stated that they would just not do the fence. Judy Kandl stated that the guidelines do call for some type of screening for mechanical equipment so if they don’t want to choose another type of fencing they do have options – the brick wall as they started out with, a wall or landscaping.

In reference to Jack Errante who inquired about the significance of windows in the stairwell on the Lee St. side, Mr. Peterson said he would have to look at the code. He said there was a possibility that there could be windows but they would be high up and not be in reach of cleaning very often. Mr. Peterson also reminded the Commission that 3 of windows that would be in-filled were previously approved, which Janet Gapen verified was correct as had been fore-mentioned by Judy Kandl.

Anne Lyles called for a motion if there were no other issues of concern.

Motion

Judy Kandl began the motion as follows: “I move that the Commission find the following facts concerning Application #H-22-09 that E. William Wagoner, applicant for Piedmont Players Theater, Inc., owner of 135 E. Fisher Street, and Perry Peterson, architect, appeared before the Commission and sought a Certificate of Appropriateness to revise plans for the Fisher Street Theater; that Clyde Overcash appeared before the Commission to support the request, and Abe Daniels appeared to ask related questions; some of the request be granted and some should not be granted.....

(At this point in the motion with a question as to the way the motion was about to proceed, Ms. Kandl stopped for further direction.)

Janet Gapen stated that splitting the motion into 2 parts was probably not a good idea especially in a proposal the size of this one; but rather to approve with mitigating factors or to deny the request. She further stated that another possibility would be to send to a committee if the Commission and the applicant were in agreement to do so.

Susan Hurt suggested the possibility of someone making the motion that planned to vote in favor of the request.

Mr. Wagoner informed the Commission that they were now prepared to eliminate any fencing from the project and to proceed with landscape screening.

Judy Kandl stated that she was perfectly fine with withdrawing the motion that she had begun. However, she was not in favor of adding a lot of mitigating factors. She stated that the Commission is charged with looking at the proposal and evaluating according the guidelines so that it fits in with the historic neighborhood at the end of the project.

Jack Errante stated his agreement with the proposal coming to a committee since there were still so many questions still lingering. Emily Perry also stated her desire for a committee.

In response to Anne Lyles who asked Mr. Wagoner if going to a committee would hold up their progress since it would not be until the next meeting that a committee could present their findings, Mr. Wagoner said HPC was the last body that needed to have an approval in order for them to proceed with the project, and the project had gone out for bid.

Anne Lyles voiced her agreement with the project. She said the project's front façade was trying to create the look of the original building as closely as possible, and the proposed fiberglass windows were similar to the aluminum-clad replacement windows which were previously approved. She further stated that most of the building's brick is already painted. She said, "I have no problem especially since the chain link fence has been removed."

Following the clarification that there was no problem in a motion being made by the Chair, Anne Lyles said she would be happy to make the motion.

Motion

Anne Lyles made the motion as follows: I move that the Commission find the following facts concerning Application #H-22-09 - that E. William Wagoner, applicant for Piedmont Players Theater, Inc., owner of 135 E. Fisher Street, and Perry Peterson, architect, appeared before the Commission and sought a Certificate of Appropriateness to revise plans for the Fisher Street Theater; that Clyde Overcash appeared before the Commission to support the request, and Abe Daniels appeared to ask related questions; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 3 – New Construction & Additions – New Construction, pages 46-49, guidelines 11-17; Chapter 2 – Changes to Buildings – Storefronts, pages 20-22, guideline 7; Chapter 2 – Changes to Buildings – Upper Facades, pages 26-28, guidelines 1-9; Chapter 2 – Changes to Buildings – Windows & Doors, pages 30-31, guidelines 1-12; Chapter 2 – Changes to Buildings – Masonry, pages 31-33, guidelines 1-8; and Chapter 4 – Site Features & District Setting – Signage & Awnings, pages 54-56, guidelines 10,11,12 and 15 of the Non-Residential Historic District Design Guidelines; mitigating factors: proposal for chain link fence is being dropped from request, the drawing showing the marquee sign will be addressed later; change on window size will only affect the sill; therefore, I further move that a Certificate of Appropriateness for Application #H-22-09 be granted to E. William Wagoner, applicant for Piedmont Players Theater, Inc., owner of 135 E. Fisher Street to make the changes detailed in the application with the exception of those things mentioned previously."

Jack Errante seconded the motion. Commission members Jack Errante and Anne Lyles voted AYE; members Susan Hurt, Judy Kandl and Emily Perry voted NO.

The chair ruled that a committee would be appointed at the end of the meeting. She informed the applicants that they would receive notification of a meeting as soon as it was scheduled.

H-31-09 116 E. Council St. – Robert A. Crum & Cherie L. Turner, owner / applicant

Request: Installation of a Sun mosaic panel measuring 36” high by 30” wide, at the left side of the building; it will be bolted into anchors set in the mortar joints.

Robert Crum was sworn in to give testimony for the request.

Staff presented slides.

Mr. Crum testified that he would like to install a sun mosaic panel at the left side of the building. He said it would be placed appropriately so that it could be seen from the street. The frame is treated wood, measuring 36” high by 30” wide, and 50-60 lbs in weight. He further testified that the panel would be bolted into 2 anchors set in the mortar joints.

From the slides, Janet Gapen showed the location on the wall the plant would be placed.

Public Hearing

Clyde Overcash came forward to ask questions.

When Janet Gapen informed Mr. Overcash that art did not need approval, he asked if approval was needed from the property owner to encroach upon the wall.

In response to his question concerning how far out the panel would extend, Mr. Crum said it would protrude toward the alley about 3 inches out, and be up the wall about 10 feet. He said he would make sure it was not in anyone’s way.

Deliberation

Susan Hurt said the panel looked to be appropriate in scale and location. She said, “It looks good.”

Judy Kandl stated that the depth was not a problem either. She voiced her happiness that there were now guidelines that address public art. She said the location was not in an area that would compromise any historic nature, and that there are no obtrusive factors.

Motion

Jack Errante made the motion as follows: “I move that the Commission find the following facts concerning Application #H-31-09 – that Robert Crum, owner of 116 E, Council Street, appeared before the Commission and sought a Certificate of Appropriateness to install a 26” high by 30” wide Sun mosaic panel on the left side of the building; bolted in to anchors and set in the mortar; that Clyde Overcash appeared before the Commission to comment and ask questions on the

depth of the panel; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features and District Setting – Art, page 62, guidelines 1-10 of the Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness be granted to Robert Crum & Cherie Turner, owners of 115 E. Council St., to make the changes detailed in the application.”

Emily Perry seconded the motion; all members present voted AYE.

H-32-09 305 W. Innes St. – First Presbyterian Church, owner –
Chris Bradshaw, applicant

Request: Replace wood column bases on south side of building with fiberglass.

Chris Bradshaw was sworn in to give testimony for the request.

Staff presented slides.

Mr. Bradshaw testified that the church would like to replace the wooden bases of the columns located on the south side of the church, near the fountain, with fiberglass bases. The wooden bases have rotted out.

Mr. Bradshaw testified that architect, Bill Burgin recommended the fiberglass bases.

From the slides, Janet Gapen showed another building on the church property that have new columns with fiberglass bases which were also approved by HPC.

Mr. Bradshaw responded “Yes” in response to Jack Errante who asked if the bases would be painted.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Susan Hurt commented that it has been proven that because of moisture wood is not feasible.

Motion

There being no other discussion of the request, Emily Perry made the motion as follows:

“I move that the Commission find the following facts concerning Application #H-32-09 – that Chris Bradshaw, applicant for First Presbyterian Church, appeared before the Commission and sought a Certificate of Appropriateness to replace wood column bases with fiberglass on the south side of the building; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Architectural Details & Ornamentation,

page 29, guideline 2 of the Non-Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-32-09 be granted to Chris Bradshaw, applicant for First Presbyterian Church, owner of 305 W. Innes St., to make the changes detailed in the application.”

Susan Hurt seconded the motion; all members present voted AYE.

H-33-09 412 S. Ellis St. - Dale Higbee, owner / applicant

Request: Removal of Magnolia tree in front yard; replant with shade tree

Dale Higbee was sworn in to give testimony for the request.

Staff presented slides.

Dr. Higbee gave a brief history of the Magnolia tree and then testified that a Crepe Myrtle and a Maple tree in the yard is being over-taken by the Magnolia. In fact, he said, the tree is taking over the entire yard.

In response to Judy Kandl who asked Dr. Higbee if he had certification from an arborist that the Magnolia tree is diseased, he said the tree was not sick, it was too healthy. He said it is pushing the other trees out, especially the maple tree.

Janet Gapen informed the Commission members that the request was not handled as a minor work because Mark Martin had looked at the tree and confirmed that it was not diseased. She said the Commission could look at other factors in their deliberation, wherein removal through minor works require that the tree is diseased, or causing structural damage. She also stated that limbs of the tree are already falling into the sidewalk and if cut would harm the tree.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Jack Errante stated the guidelines say that a Certificate of Appropriateness is needed to remove a tree that is larger than 18 inches in diameter but the guidelines are not cut and dry in reference to the removal of a tree, but it does not give any conditions for the Commission to use in allowing a tree to be taken down.

Susan Hurt stated that she believes that they all are in agreement with protecting healthy trees but they are also to protect a historic home.

Motion

There being no other discussion Susan Hurt made the motion as follows: “I move that the Commission find the following facts concerning Application #H-33-09 – that Dale Higbee, owner of 412 S. Ellis St., appeared before the Commission and sought a Certificate of Appropriateness to remove a Magnolia tree in the front yard, replacing it with a Maple tree; that no one appeared in support or opposition to the request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 4 – Site Features and District Setting – Landscaping, pages 62-63 of the Residential Historic District Design Guidelines; mitigating factors: tree has overgrown the house; therefore, I further move that a Certificate of Appropriateness for Application #H-33-09 be granted to Dale Higbee, owner of 412 S. Ellis St., to make the changes detailed in the application.”

Jack Errante seconded the motion. Members Errante, Hurt, Lyles, and Perry voted AYE; member Kandl voted NO.

H-34-09 329 S. Church St. – Gianni & Mona Moscardini, owner / applicant

Request: Wooden privacy fence in rear yard, maximum height of 6 feet, to be left natural color.

Mona Moscardini was sworn to give testimony for the request.

Staff presented slides.

Ms. Moscardini testified that a 6-ft. privacy fence has already been installed around the existing porch on the north side of the building. She then explained the circumstances which led to having the fence put up without getting approval first which had to do with an armed robbery at the location. Ms. Moscardini told the Commission that they were thinking only of their protection; she apologized for their actions.

She stated that the fence runs along the existing parking lot and is not attached to the building. She said the Magnolia trees on the property are enclosed within the fence.

She testified that the fence was constructed of pine wood and would be left natural; not painted.

In reference to Judy Kandl who asked if anything had been removed from the building in order to install the fence, she testified that the awning was removed upon a recommendation from the insurance company because it was falling down.

Janet Gapen informed the Commission that the request has come before the Commission because the Zoning Administrator ruled that the front of the building was Church Street even though the building has a door that fronts Horah Street.

Public Hearing

There was no one present to support or oppose the request.

Deliberation

Susan Hurt commented that in her opinion the fence is located on what looks like the rear of the property.

Jack Errante said that he could understand why the property owners' desire for a privacy fence.

Judy Kandl stated that the fence is compatible with adjacent neighbors, is not attached to a historic structure and complies with the guidelines.

Motion

Judy Kandl made the following motion: "I move that the Commission find the following facts concerning Application #H-34-09 – that Gianni & Mona Moscardini, owners of 329 S. Church St., appeared before the Commission and sought a Certificate of Appropriateness to install a natural color 6 ft. tall wooden privacy fence in the rear yard; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards and Chapter 2 – Changes to Buildings – Side and Rear Facades, pages 26-28, guidelines 1-3; Chapter 4 – Site Features & District Setting – Fences & Walls, pages 56-57, guidelines 9,10, and especially 14 of the Non-Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-34-09 be granted to Gianni & Mona Moscardini, owners of 329 S. Church St., to make the changes detailed in the application without any changes required to the application."

Emily Perry seconded the motion; all members present voted AYE.

H-35-09 629 S. Fulton St. – Edward M. Tompkins, owner / applicant

Request: Rear deck improvement

Edward Tompkins, owner, was sworn in to give testimony for the request.

Staff presented slides.

Mr. Tompkins testified that would like to replace his deck because it is now unsafe in order to make it more useable by the family. He said the roof would be extended over the existing deck and screened in. The deck material will be treated lumber and painted white to match the house. The roofing material will also match the existing roof on the house, and will come out to the edge of the steps.

In response to a question from Anne Lyles, Mr. Tompkins said the steps would be moved from the right side where they are currently located to the opposite side of the deck, and a door would be located at the top of the steps.

In response to questions from Susan Hurt, Mr. Tompkins explained that a screened area would be the main part of the deck, and the stairs would not be screened in. It will tie into the existing 6" step to the landing area located at the base of the steps. The railing will be made from the decking material with spindles to match those on the front porch railing and will be located on each side of the steps. He said columns would be put up in order to tie the deck back into the existing house. The new roof, which will be an extension of the existing roofing, will come out to the edge of the steps.

Mr. Tompkins further testified that the flooring would be a synthetic decking material. In response to questions concerning the proposed synthetic material, Mr. Tompkins said the material is the same as on the existing steps which he has found to be more durable than treated lumber.

In response to a question from Jack Errante, Mr. Tompkins said the steps would intrude onto the deck by approximately 3 ½ – 4 ft.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

There were no questions or further discussion of the request. Anne Lyles stated that following the clarification and changes that have been discussed everything seemingly meets the guidelines.

Motion

Emily Perry made the motion as follows: "I move that the Commission find the following facts concerning Application #H-35-09 – that Edward Tompkins, owner of 629 S. Fulton Street, appeared before the Commission and sought a Certificate of Appropriateness to make improvements to a rear deck; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 3 – New Construction & Additions – Decks, pages 48-49, guidelines 1-9 of the Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-35-09 be granted to Edward Tompkins, owner of 629 S. Fulton Street, to make the changes detailed in the application with the following changes agreed to by the applicant: a railing & balustrades similar to the one on the front porch, hand rail for the steps, synthetic decking, new roofing materials to match the existing, painted white, wood screen door, and screening around the deck."

Jack Errante seconded the motion. Commission members Errante, Lyles, and Perry voted AYE; members Hurt and Kandl voted NO.

H-36-09 204 S. Ellis St. – Ron & Barbara Buffaloe, owner / applicant

Request: Removal of garage; addition of approximately 36 inches of picket fence.

Ron Buffaloe was sworn to give testimony for the request.

He testified that he would like to tear down the combination garage/store room at rear of the property in order to make a larger turn-around made with gravel, and to connect approximately 36 ft. of picket fence to the existing fence.

Mr. Buffaloe gave a brief history of the house which was about 50 years old when he purchased it in 1981. He said the building needed repair at that time but was only painted. The garage side was used for a while and the storage side can be used only to house a lawn mower.

The building is currently consumed by water damage and termites and the back wall is deteriorated. He presented a photo to show a tilt in the building that has gotten worse over the years.

He testified that the garage side already has gravel and he would just add matching gravel to the store room side and then border the space with 36 inches of picket fence to match the existing fencing.

Mr. Buffaloe informed the Commission that he understands that a request for demolition presents a higher barrier for a Certificate of Appropriateness; however, he believes that the structure has little or no historic or architectural value and is in a state of no repair.

In reference to Susan Hurt's question regarding the graveled area of the rear yard, Mr. Buffaloe showed from the slides the parking area in conjunction with the house, the driveway entrance, turn-around and exit pattern, as well as the pattern when the building is removed. He stated that the garage side of the building on the right is already graveled and additional matching gravel would be extended to the store room side once the building is removed.

In response to questions from Jack Errante, Mr. Buffaloe said the picket fence would follow the building outline; however, it would have to pull out of line enough to go around a large tree currently on the lot. The existing fence varies from 39-46 inches tall.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl stated that the guidelines call for some type of screening for the parking area.

Mr. Buffaloe testified that there are existing plantings on the garage side of the property that the adjoining property owner already has planted on her property line. He said as additional screening he would also continue the use of large ivy plantings which he now uses as borders for other plantings; in addition to the existing trees that are currently located up half of the driveway.

Susan Hurt stated that her concerns were answered once she was able to visualize the entire picture of the proposal. A part of the gravel, she said, is already there and the added portion will be very small.

Judy Kandl read the off-street parking guidelines 4, 5, 9, 11, 13, and 14 and stated that Mr. Buffaloe is in compliance of each. She also noted his compliance with the guidelines for demolition, which she read along with the guidelines for fencing and screening as addressed in the parking guidelines. She said, "He complies in all regards to what is being proposed."

Motion

There being no other questions, comments, or discussion, Judy Kandl made the motion as follows – "I move that the Commission find the following facts concerning Application #H-36-09 – that Ron Buffaloe, owner of 204 S. Ellis St., appeared before the Commission and sought a Certificate of Appropriateness to remove an existing garage/storage building, and add 36 ft. of picket fence; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 5 – Demolition or Relocation, pages 68-69, paragraph in the middle of the page, Driveways and Off-street Parking guidelines 4,5,9,11,13 and 14; there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-36-09 be granted to Ron and Barbara Buffaloe, owners of 204 S. Ellis Street, to make the changes detailed in the application and to extend parking to larger graveled area."

Anne Lyles seconded the motion; all members present voted AYE.

H-37-09 215 W. Innes St. – Maxwell Chambers Trust, owner; Lisa Houston, applicant
Request: Replacement of existing shutters; no change in appearance, only material.

Lisa Houston, applicant, was sworn in to give testimony for the request.

Staff presented slides.

Lisa Houston testified that the shutters on the building are in urgent need of repair. She testified that the proposal is for the installation of Atlantic Premium shutters in the identical color and style as the existing shutters – louvered on the top, panels on the bottom. The shutters, she said, have a 15-year warranty. She presented a sample of the composite material.

Ms. Houston informed the Commission that the shutters are workable. She said the existing copper hinges would be used for the installation of the shutters.

Public Hearing

There was no one present to speak in favor or in opposition to the request.

Deliberation

In response to a question from Susan Hurt regarding a change of material, Janet Gapen stated that there has been no precedence set for composite materials for shutters. However, she continued, the State Historic Preservation Office has recommended a limited use of synthetic products even on contributing structures.

Judy Kandl informed the Commission members that distance also needs to be considered in the use of composite materials to help decide the appropriateness of the material.

Janet Gapen reminded Commission members that the building is non-contributing.

Motion

Susan Hurt made the following motion: “I move that the Commission find the following facts concerning Application #H-37-09 – that Lisa Houston, applicant for the Maxwell Chambers Trust, owner of 215 W. Innes Street, appeared before the Commission and sought a Certificate of Appropriateness to replace the existing shutters, changing the material only, not the appearance; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings - Architectural Details and Ornamentation, page 29, guideline 2 of the Non-Residential Historic District Design Guidelines; mitigating factors include that the building is non-contributing, built in 1960 and the applicant has had repeated failures in replacement of the shutters in its current material; therefore, I further move that a Certificate of Appropriateness for Application #H-37-09 be granted to Lisa Houston, applicant for the Maxwell Chambers Trust, owner of 215 W. Innes St., to make the changes detailed in the application.”

Emily Perry seconded the motion; all members present voted AYE.

H-38-09 229 S. Long St. – Tony & JoAnn Hoty, owner / applicant; Jonathan Kenner, agent
Request: Removal of the Fir trees next to the garage.

Jonathan Kenner was sworn to give testimony for the request.

Staff presented slides.

Mr. Kenner testified that the Fir trees located next to the garage at the residence has been determined by Mark Martin to be diseased. Mr. Kenner stated the tree is a danger to the owner’s house as well as the neighbor’s property. He stated that as a professional he could see that the trees are a potential hazard, and for sure would eventually come down and destroy both properties. He said, “I wouldn’t want it beside my house.”

He informed the Commission that different trees have different procedures for trimming. All the greenery and growth on a Fir tree is on the ends. Any type of trimming, he said, would only demise the tree.

Anne Lyles stated that she hates to see the tree come down but understands that the reason is a safety issue.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl suggested that the agent's testimony be received as "witness from an expert." She stated that under the circumstances given, Mr. Kenner's testimony in addition to the recommendation from Mark Martin is sufficient for approval.

Motion

Susan Hurt made the following motion: "I move that the Commission find the following facts concerning Application #H-38-09 – that Tony & JoAnn Hoty, owners of 229 S. Long Street, appeared before the Commission and sought a Certificate of Appropriateness to remove Fir trees next to the garage; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features & District Setting – Landscaping, pages 52-63, guidelines 1-4 of the Residential Historic District Design Guidelines; mitigating factors: trees found to encroach on the property, trees need at least pruning but pruning would damage the trees; therefore, I further move that a Certificate of Appropriateness for Application #H-38-09 be granted to Tony & JoAnn Hoty, owners of 229 S. Long Street to make the changes detailed in the application."

Judy Kandl seconded the motion; all members present voted AYE.

Minor works: There were no questions or other concerns pertaining to the minor work approvals.

Other Business

Theater Committee: The following persons volunteered to be a part of the committee for the theater project: Anne Lyles, Jack Errante, and Susan Hurt.

Minutes

The minutes for the May 2009 and June 2009 meeting were approved as presented.

Adjournment

There being no other business to come before the Commission, the meeting was adjourned at 9:15 p.m.

Anne Lyles, Chair

Judy Jordan, Secretary